IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.536 OF 2005

J.P. Shoke. .. .. .. Petitioner
v/s.
Union of India & ors. .. .. Respondents

Mr.D.V. Gangal for petitioner.

Mr.Komal Singh for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 11TH MARCH 2005

P.C. :

1. Heard Mr.Gangal in support of this petition.

2. The petitioner is a Railway employee, who was proceeded in two different departmental enquiries on earlier occasion and was subsequently exonerated. He is desirous of further promotion and it is his case that the Departmental Promotion Committee, which is appointed by the Railways to consider the promotion, is a wrong Committee. That apart, he faults the decision dated 15th December 2004 of the Railway Authorities, whereby he was not found fit for promotion. The

petitioner has filed Original Application No.34 of 2005 seeking to challenge this very decision of the Railway Authorities declining him the promotion. During the pendency of that proceeding, he prayed for interim order seeking restraint on the respondents from operating the decision declining him promotion. We fail to see as to how the Central Administrative Tribunal (for short "CAT") could have passed such an order at an interim stage. The petitioner wants CAT to direct the Railways to constitute an appropriate Departmental Promotion Committee. Unless the decision dated 15th December 2004 is reversed, the CAT could not have passed such an order. The CAT, therefore, has rightly declined to pass an interim order as it was prayed. It was a misconceived prayer and, therefore, the CAT was right in rejecting the same. No need to interfere. The petition is rejected.

2. The CAT will decide the Original Application expeditiously. Mr.Gangal makes a grievance that the respondents have not filed any reply to the Original Application, though the same has been served on them long back. We direct the Railways to file their reply to the Original

Application within three weeks hereafter and the CAT will endeavour to dispose of the Original Application within three months.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)